

REMARKS

Claims 1-13, 15-21, and 23-25 remain pending in this application. Claims 14 and 22 have been cancelled. Reconsideration of this application is requested.

Initially, the Examiner is requested to make the Leason et al. reference (U.S. Patent No. 6,251,017) officially of record in this application by listing it on form PTO-892.

Claim 24 has been amended to correct the typographical error noted by the Examiner. Withdrawal of the objection to claim 24 is requested.

The rejection of claims 1-25 under 35 U.S.C. § 103 as being unpatentable over Leason et al. is respectfully traversed to the extent that this ground of rejection may be applied to the claims as amended.

Leason et al. is directed to a method for encouraging individuals to visit designated web sites by awarding the individuals "e-points." According to Leason, rewards in the form of game cards or receipts are distributed to individuals at point of sale locations such as retail stores, movie theaters, etc. The rewards contain codes and designate Internet web sites at which the individual may validate the codes to obtain the "e-points." E-points may be accumulated by individuals during a single on-line session by entering additional codes from additional game cards or receipts.

Contrary to the present invention as claimed, Leason does not disclose a method or apparatus for providing promotional awards to a visitor of an electronic commerce site by keeping track of the identity of visitors to the site, storing visitor parameter information pertaining to prior visits of identified visitors to the site, and crediting promotional awards by applying defined awards rules to the visitor parameter information stored for each visitor to the electronic commerce site.

In Leason, no identification of the visitor is performed. See col. 2, ll. 18-19. Consequently, no information pertaining to prior visits of the visitor to the web site is or can be stored in Leason. To the contrary, Leason simply allows an anonymous visitor to validate reward codes, and then redeem the codes in the form of access to a restricted web page or activation of a coded coupon, in real time.

As the Examiner has acknowledged, Leason "lacks an explicit recitation of all the elements and limitations" of the claims pending in the subject application. Leason also lacks any implicit suggestion to those skilled in the art to have arrived at the claimed

invention. It is respectfully submitted that the teachings, suggestions and disclosure missing from Leason that would be required to achieve the claimed invention cannot properly be provided by the Examiner in the form of "Official Notice." The teachings, suggestions and motivations necessary to arrive at a claimed invention instead must come from the prior art in order to render a claim unpatentable. In re Dembiczak, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The suggestion to modify the prior art to arrive at an applicant's invention may not come from the applicant's disclosure. In re Dow Chemical Co., 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). Here, the Examiner has provided no evidence that any of the claimed features admittedly not disclosed or suggested in Leason were "inherent" or "notoriously well known" at the time of the invention. The only place that such features are disclosed is in the present application.

In view of the foregoing, favorable reconsideration of this application, withdrawal of the outstanding grounds of rejection, and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
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Attachments: Marked-Up Copies of Amendments



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Page 6

MARKED-UP COPY OF AMENDMENTS SHOWING CHANGES MADE

--1. (Amended) An electronic commerce apparatus for offering a promotional award to a visitor of an electronic commerce site, comprising:

a connection to a distributed communication network;

[at least one] a promotional awards storage area, including a customer identifier storage that contains unique identification information for each visitor to said site, and [an award amount] a visitor parameter storage that contains information pertaining to prior visits to said site by visitors identified in said customer identifier storage; and

an awards rule storage that stores rules for crediting awards to visitors of said site according to information stored in said visitor parameter storage;

wherein [said] a visitor of said site is granted a promotional award [upon visiting said electronic commerce site, said promotional award amount being controlled by an awards rule contained in said awards rule storage, and said promotional award amount being stored in said promotional awards storage area] by retrieving visitor parameter information from said visitor parameter storage corresponding to customer identification information stored in said customer identifier storage in response to visitor identification information provided to said apparatus upon visitor access to said site, and applying retrieved visitor parameter information to award crediting rules retrieved from said awards rule storage.-;

2. (Amended) The electronic commerce apparatus of claim 1, wherein said [at least one promotional awards] visitor parameter storage [area further including] comprises a number of previous visits storage that stores a number corresponding to the total number of visits to said site by a particular visitor, and wherein said [visitor is given a promotional award upon visiting said electronic commerce site, with said promotional award amount being controlled in part by said awards rule contained in said] awards rule storage stores an awards rule that determines a specific promotional award based on [and by] a number of previous visits to said site by a visitor as stored in said number of previous visits storage.

1 3. (Amended) The electronic commerce apparatus of claim 1, wherein said [at least one
2 promotional awards] visitor parameter storage [area further includes] comprises an award time
3 storage that stores a time of a last award to a particular visitor, and wherein said [visitor is
4 granted a promotional award upon visiting said electronic commerce site, with said promotional
5 award amount being controlled in part by an awards rule contained in said] awards rule storage
6 stores an awards rule that determines a specific promotional award based on [and by] whether
7 a predetermined time period has elapsed since [a previous promotional] said last award.

1 4. (Amended) The electronic commerce apparatus of claim 1, wherein said visitor
2 parameter storage comprises an award amount storage that stores a cumulative total value of
3 awards credited to a particular visitor, and wherein said awards rule storage stores an awards
4 rule that determines a specific promotional award based on the cumulative total award value
5 stored in said award amount storage [is cumulative over successive visits by said visitor].

1 5. (Amended) The electronic commerce apparatus of claim [1] 4, wherein said award
2 amount rule contains a predetermined promotional award limit.

1 6. (Amended) The electronic commerce apparatus of claim [1] 5, wherein said award
2 [amount] limit is reset to zero [if] when said visitor [has previously made] makes a purchase
3 from said site.

1 7. (Amended) The electronic commerce apparatus of claim [1] 2, wherein said promotional
2 award according to said awards rule increases with successive visits by said visitor.

1 10. (Amended) A method for offering a promotional award to a visitor to an electronic
2 commerce site, comprising the steps of:
3 detecting a site visit by a visitor and keeping track of a number of visits to said site and a
4 number of purchases from said site by individually identified visitors; and
5 granting a promotional award to said visitor [and storing said award in a memory storage
6 area with associated visitor identification information] in accordance with award rules pertaining
7 to the number of visits to said site by said visitor and purchases from said site by said visitor;
8 [and
9 adding said promotional award to a pre-existing stored promotional award, if said site visit is
10 not a first site visit by said visitor;]

11 wherein said visitor is motivated to make multiple site visits and a purchase as a result of
12 said promotional award.

1 19. (Amended) A method for offering a promotional award to a visitor of an electronic
2 commerce site, comprising the steps of:

3 detecting a site visit by a visitor and storing information identifying a visitor and identifying
4 prior promotional awards credited to said visitor;

5 determining whether said visitor has already exceeded a predetermined promotional award
6 limit;

7 granting a promotional award to said visitor if said visitor has not exceeded said
8 predetermined promotional award limit and [storing] updating the value of said prior credited
9 promotional awards [said granted award in a memory storage area with] associated with visitor
10 identification information; [and

11 adding said promotional award to a pre-existing promotional award stored in said memory
12 storage area, if said site visit is not a first site visit by said visitor;]

13 wherein said visitor is motivated to make multiple site visits and a purchase as a result of
14 said promotional award.

1 24. (Amended) The method of claim 19, wherein said promotional award is credited to a
purchase price if said visitor makes a purchase[;].